Supreme Court, U.S.
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MICHAEL RODAK, JR., CLERK

Supreme Court of the United States

No. 78-1277

WILLIAM IRVIN GOLDING, SR.,
Petitioner,

v.

THE CITY COUNCIL OF THE CITY OF RICHMOND, VIRGINIA

AND

THE MAYOR OF THE CITY OF RICHMOND, HENRY L. MARSH, III,
Respondents.

BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

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March 19, 1979

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BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

I.
PRELIMINARY STATEMENT[1]

This Petition for Writ of Certiorari is insufficient on its face to permit the issuance of the writ. Golding contends the petition is properly before the Court pursuant to 28 U.S.C.

[1] Petitioner, William Irwin Golding, Sr., will be referred to throughout as "Golding." Respondents, The City Council of the City of Richmond, Virginia, and The Mayor of the City of Richmond, Henry L. Marsh, III, will be referred to throughout collectively as "the City."

References to the appendix will be indicated by the letter "A" followed by the appropriate page numbers.

All emphasis has been added unless otherwise noted.

§ 1257(3). Yet the petition fails to meet the requirements of that statutory provision. Further, the petition does not set forth any "special and important reasons" for the issuance of the writ, nor does it in any manner meet the considerations governing review on certiorari expressed in U.S. Sup. Ct. Rule 19, 28 U.S.C.[2] In addition, Golding's petition presents no legal questions not previously resolved nor any questions of importance to the general public.

In essence, Golding asks this Court for a de novo review of the mandamus proceeding which was conducted in the Supreme Court of Virginia. In that mandamus proceeding, Golding was represented by three attorneys. In this proceeding, Golding's Questions Presented are virtually the same as the questions presented to the Supreme Court of Virginia. Moreover, the portion of the petition that Golding labels "Appendex" [sic] is nothing more than his State Court memorandum with slight modifications of tense and other superficial modifications for use in this Court. It is plain that Golding is simply dissatisfied with the ruling of the Supreme Court of Virginia and seeks to reopen the case even though no substantial federal issues are involved.

Neither the number of questions presented by Golding nor the convoluted arguments advanced in support of his contentions can cloud the fact this petition should be dismissed.

II.
QUESTIONS PRESENTED

1. Should this Court grant a writ of certiorari in a case in which the petition fails to comply with the Court's Rules regarding petitions for writs of certiorari?

2. Does this Court have jurisdiction upon a writ of certiorari to consider claims which do not raise substantial federal questions?

3. Should this Court act as a general court of review of decisions of the State courts?

[2] Hereinafter Rules of the Supreme Court of the United States will be referred to as "Sup. Ct. Rule ....." with the appropriate rule number inserted.

III.
STATEMENT OF THE CASE
Facts

In Virginia, a person who has been convicted of a felony cannot hold office until his political disabilities have been removed. Golding was convicted of several felonies in 1955. (A. 4, 5, 6, 7, 8, 9, 10, and 11.) His political disabilities had not been removed when, on May 2, 1978, he ran for office in the city-wide councilmanic election.

Golding ran in the City's Ninth Election District. He received the most votes from that District and was declared the winner. On July 1, 1978, Golding took a seat on the City Council purporting to be the duly elected and qualified representative of the City's Ninth Election District.

Golding's status as a member of the City Council was not questioned until October, 1978. On or before October 23, 1978, Alice Clarke Lynch (Mrs. Lynch), the General Registrar of the City, discovered that Golding had been convicted of several felonies in the mid-1950's. Mrs. Lynch then asked the Secretary of the Commonwealth to search his files to determine whether Golding's civil rights had been restored. By letter dated October 23, 1978, the Secretary of the Commonwealth wrote Mrs. Lynch advising her that he found no record of Golding's having had his civil rights restored. (A. 12). Mrs. Lynch immediately wrote Golding advising him that she was required to strike his name from the City's voter list. (A. 12). A copy of Mrs. Lynch's letter to Golding was made available to the Mayor and other officials of the City. On October 26, 1978, the Mayor directed the Clerk of the City, E. A. Duffy, to remove Gold-

ing's name from the rolls. The Clerk refused to do so on the ground the certificate furnished to him by the State Board of Elections established that Golding was the duly elected representative of the City's Ninth Election District. Thereupon, the City Council, a quorum being present, directed the Mayor to take all necessary legal steps to compel the Clerk to remove Golding's name from the rolls and from the City's payroll.

Proceedings Below

On October 31, 1978, the City filed its petition for writ of mandamus in the Supreme Court of Virginia. At the same time the City filed its Memorandum In Support Of Petition For Writ Of Mandamus, Notice Of Application For Writ Of Mandamus, and Motion To Shorten The Period For Filing Responsive Pleading And For Expedited Disposition. Golding, by counsel, filed his Response To Motion To Shorten The Period For Filing Responsive Pleading And For Expedited Disposition. Golding opposed the City's Motion to shorten the time for responding and to expedite the case. The Supreme Court of Virginia considered the City's Motion and issued its Order on November 3, 1978. (A. 3). In that Order, the Court gave Golding the opportunity not only to file his responsive pleadings but also to submit any evidence deemed necessary by Golding.

On November 10, 1978, Golding, by counsel, filed his Response To Petition For Writ Of Mandamus By Special Plea To Jurisdiction, Motion To Dismiss and Grounds Of Defense. This response was accompanied by a supporting Memorandum.[3] This response contained thirteen exhibits including Golding's certificate of election, his letter to the Governor of Virginia requesting the removal of his political

[3] It is this memorandum that Golding has superficially modified and presented to the Court as the "Appendex" [sic] to his Petition For Writ of Certiorari.

disabilities, and letters and other documents from the Commonwealth of Virginia notifying Golding and others of the removal of certain of his political disabilities. Thus, Golding took advantage of the opportunity afforded him by the Supreme Court of Virginia to present the evidence he thought had a bearing upon the issues under review on mandamus.

On November 14, 1978, the City filed its Reply Memorandum. Argument of counsel was heard on November 20, 1978. On November 22, 1978, the Supreme Court of Virginia issued its Order. (A. 1). No opinion accompanied the Order.

These proceedings followed.

IV.
ARGUMENT

1. Golding's Petition Fails To Comply With The Requirements For A Petition For Writ Of Certiorari.

The requirements for the petition for writ of certiorari are contained in Sup. Ct. Rule 23. Subsection 4 of that rule reads as follows:

> The failure of a petitioner to present with accuracy, brevity, and clearness whatever is essential to a ready and adequate understanding of the points requiring consideration will be a sufficient reason for denying his petition. One needs only to read Golding's petition to discover it wholly fails to meet the requirements of this Rule and, therefore, should be denied.

In the past this Court has indicated it will take a liberal view of pleadings proferred by parties who are acting *pro se*. *Durley* v. *Mayo*.[4] However, this liberal view is not without limitation. In *Durley,* the Court commented that although the petitioner's allegations were not as well refined as pos-

[4] 351 U.S. 277, *reh. denied,* 352 U.S. 859 (1956).

sible, the substance of petitioner's claims was clear and thus the Court would not insist upon more refined allegations than the petitioner could be expected to make.[5]

Golding's petition is so unclear it cannot benefit from the liberal view expressed in *Durley*. Here, the substance of Golding's claims are not clear. Even if one could overlook the form of his petition there is still no possibility of understanding his basis for seeking certiorari. The infirmity in Golding's petition is not a mere matter of form. He is unable to frame clear issues because there is no substance to his contentions.

In *Southern Power Company* v. *North Carolina Public Service Company,*[6] petitioner failed to adhere to the requirement that the petition contain "clear, definite and complete disclosures concerning the controversy. . . ."[7] In that case the Court had already issued the writ of certiorari. When the essence of petitioner's claims came to light the writ of certiorari was immediately dismissed.

Golding has also failed to give "clear, definite and complete" disclosures of the claims he wants the Court to address. Instead, petitioner presents an unclear, unfocused, undefined conglomeration of allegations which are at least confusing if not unintelligible. The petition fails properly to inform either the Court or the respondents of any recognizable reason for these proceedings. Therefore, it should be denied.

2. The Issues Raised By Golding Do Not Establish The Existence Of Substantial Federal Questions Nor Any Special Or Important Reason For This Court To Issue A Writ Of Certiorari.

This Court has ruled it will not take jurisdiction over claims which do not present substantial federal questions.

[5] 351 U.S. at 282, fn. 3.
[6] 263 U.S. 508 (1924).
[7] *Id.* at 509.

Seaboard Air Line v. *Padgett;*[8] *Sawyer* v. *Piper.*[9] In *Sawyer,* the petitioner had applied for leave to file a supplementary answer. In that application he averred that to render a decree foreclosing an equitable mortgage without allowing the filing of the supplementary answer would be a taking of property without due process of law and a denial of equal protection as provided for in Article I section 10 and section I, of the 14th Amendment to the United States Constitution. The writ of error in *Sawyer* was dismissed because the Court concluded the case fell within the rule that a real and not a fictitious federal question is essential to Supreme Court jurisdiction over judgments of state courts.[10] The Court said the question posed by petitioner did state a federal question, but that the mere averment of such a question is not sufficient. The *Sawyer* Court quoted with approval from *New Orleans* v. *New Orleans Water Works Co.,* 142 U.S. 79, 87 (1891) as follows:

> [T]he bare averment of a Federal question is not in all cases sufficient. It must not be wholly without foundation. There must be at least color of ground for such averment, otherwise a Federal question might be set up in almost any case, and the jurisdiction of this court invoked simply for the purpose of delay.[11]

The same is true here; there are only bare averments of federal questions designed to create the illusion of jurisdiction where it does not exist. The bulk of the issues raised by Golding are plainly unrelated to federal questions. The few that do touch upon federal questions are insubstantial and do not merit review by this Court.

It appears that only the eighth and tenth questions raised by Golding have even a remote relationship to a federal question. The eighth question reads "should the Supreme

[8] 236 U.S. 668 (1915).
[9] 189 U.S. 154 (1903).
[10] 189 U.S. at 157.
[11] *Id.*

Court of Virginia have not ordered the Writ of Mandamus because Article II Section 1 of the Constitution of Virginia is unconstitutional according to Federal Law and the Constitution of the United States." The tenth question reads "did the results of the Supreme Court of Virginia's order, in its use by Council, of the said Section 3.04 violate your Petitioner's protection which is guaranteed by Section 5 of the Voting Rights Act of 1965 as amended 42 USC, 1973c?" Taking the tenth question first, suffice it to say any question about violation of Golding's voting rights under the Voting Rights Act was not raised in the Supreme Court of Virginia. It is well settled this Court will not review matters not decided upon below. *Walters* v. *City of St. Louis,*[12] *Harding* v. *Illinois.*[13]

Regarding the eighth question, Golding contends that the Virginia constitutional provision which disenfranchises persons convcted of felonies is unconstitutional. This Court rejected that argument in *Richardson* v. *Ramirez.*[14] Thus the only issues raised by Golding that could conceivably be a basais for review by this Court do not, upon scrutiny, support the Court's jurisdiction.

The remaining eight questions presented contain a liberal sprinkling of phrases like "rights protected under the Constitution of the United States," "contrary to Federal Law," and "deny your Petitioner Due Process." Even so, a mere reading of those questions establishes their essential nature is to question the sufficiency of the facts found below, to ask this Court to decide the boundaries of the jurisdiction of the Supreme Court of Virginia, and to ask this Court to review matters of interpretation of the Virginia Constitution, and Virginia statutes and municipal ordinances.

[12] 347 U.S. 231 (1954).
[13] 196 U.S. 78 (1904).
[14] 418 U.S. 24 (1974).

Each of these other issues can be put to rest based upon the clear decisions of the Court. First, questions of the sufficiency of facts are not a sufficient basis for the issuance of the Writ.[15] Next, a state supreme court is the judge of its own jurisdiction.[16] Finally, a state supreme court's interpretation of the statutes and municipal ordinances of its state is binding upon the Supreme Court of the United States.[17]

Golding's failure to raise substantial federal questions is manifest. His reliance upon 28 U.S.C. § 1257(3) as the basis of the Court's jurisdiction in this case is, therefore, misplaced. He has not and cannot establish any actual controversy on whether "the validity of a State statute is drawn in question on the ground of its being repugnant to the Constitution, treaties or laws of the United States. . . ."[18] Golding fails to meet his burden to show affirmatively that this Court has jurisdiction.[19]

The considerations governing review on certiorari are set forth in Sup. Ct. Rule 19. Golding's petition wholly fails to establish either that the Supreme Court of Virginia decided a federal question of substance not theretofore determined by the Court or that it decided a federal question of substance in a manner not in accord with decisions of the Court. This failure is fatal.

The requirements of Sup. Ct. Rule 19 were discussed in *Rice* v. *Sioux City Cemetery.*[20] There, petitioner was not permitted to bury her husband in a certain cemetery because

[15] Southern Power Company v. North Carolina Public Service Company, 263 U.S. 508 (1924).
[16] Seattle, Renton and Southern Ry. Company v. State of Washington, Ex Rel. Linhoff, 231 U.S. 568 (1913).
[17] *Id.; Preston* v. *City of Chicago,* 226 U.S. 447 (1913).
[18] 28 U.S.C. § 1257(3).
[19] See, *Gorman* v. *Washington,* 316 U.S. 98, *reh. denied,* 316 U.S. 711 (1942).
[20] 349 U.S. 70 (1955).

he was an American Indian. The Court issued a writ of certiorari based on petitioner's claims of violation of 14th Amendment Due Process and Equal Protection. After the writ was granted the law of the state in which the burial had been attempted was changed to outlaw such restrictive covenants. This Court dismissed the writ of certiorari and explained the dismissal based on Sup. Ct. Rule 19. The Court noted there must exist "special and important reasons" for granting the writ of certiorari. This requirement is set forth in Sup. Ct. Rule 19. The Court then said a "special and important reason" may sometimes exist where a state has decided a federal question of substance not theretofore determined by the Court. The Court went on to discuss the meaning of the phrase "of substance."

> A federal question raised by a petitioner may be 'of substance' in the sense that, abstractly considered, it may present an intellectually interesting and solid problem. But this Court does not sit to satisfy scholarly interest in such issues. Nor does it sit for the benefit of particular litigants. 'Special and important reasons' imply a reach to a problem beyond the academic or the episodic.[21]

The present case falls far short of the mark of presenting the Court with "special and important reasons" for the issuance of the writ of certiorari. This present action is a frivolous effort to make this Court the appeal arm of the state court system. Golding's inability to meet the requirements of Sup. Ct. Rule 19 is a proper basis for denying his petition.

What Golding has attempted to do in this case is similar to what the petitioner in *Preston* v. *City of Chicago.*[22] at-

[21] 349 U.S. at 74.
[22] 226 U.S. 447 (1913).

tempted to do. There, the Supreme Court of Illinois sustained a demurrer to Preston's petition for mandamus and denied the writ of mandamus. Preston contended he had become an officer of the classified service and entitled to protection against removal conferred by the Civil Service Act and

> "that hence his removal from office without written charges profferred against him and without notice and an opportunity to be heard amounted to a denial of due process of law within the purview of the state constitution and of the Fourteenth Amendment to the Constitution of the United States."[23]

The Supreme Court said this about Preston's claims:

> [T]he court below held these claims not maintainable on the ground that upon a proper construction of the state statutes the petitioner was not in the classified service and was subject to removal. This ruling is binding upon us and presents no Federal question.[24]

Golding contends, in a similar fashion, that upon receipt of his certificate of election he was a true councilman of the City of Richmond who could not be removed from his position regardless of his past crimes. And, although the Supreme Court of Virginia did not issue an opinion when it issued its mandamus order, it may have, like the Illinois' Court, decided that based on a proper reading of the statute Golding was never a council member and could be ordered to relinquish claims on that office without any special proceedings or evidentiary hearings. Indeed, the Supreme Court of Virginia almost says as much in its November 22, 1978 order which reads in relevant as follows: "[T]he court holds the election of the respondent William I. Golding, Sr., as a member of the Council of the City of Richmond was a nullity. . . ." (A. 2.) Preston failed in his attempt to secure Supreme Court review of his claims; Golding too should fail.

[23] *Id.*
[24] 226 U.S. at 450, citing *Taylor* v. *Beckham,* 178 U.S. 548 (1900).

3. The Supreme Court Has No General Power To Review And Correct State Court Decisions

Golding in his petition is asking this Court to sit as a general appellate court to review the decision of the Supreme Court of Virginia. This is not proper. As the Court said in *Harding* v. *Illinois*:

> This court has no general power to review or correct the decisions of the highest state court, and in cases of this character exercises a statutory jurisdiction to protect alleged violations, in state decisions, of certain rights arising under Federal authority.[25]

As long as there may have been an adequate independent state ground upon which the decision of the Supreme Court of Virginia could be based, this Court does not have jurisdiction to issue the writ of certiorari. *Durley* v. *Mayo*[26] discusses adequate state grounds. That case also involved a *pro se* petitioner so it is particularly instructive in the context of the present case. There, a writ of certiorari was dismissed for lack of jurisdiction where the decision of the state court *might* have rested on adequate state grounds.

Durley was convicted in 1945 on two informations which alleged he had stole cattle. Each information contained three counts. Durley was sentenced to five years imprisonment on each count; a total of 30 years. In 1949, acting *pro se,* Durley sought relief upon what he labeled a writ of error *coram nobis;* he was not successful. Also in 1949, Durley, once again acting *pro se* petitioned the Supreme Court of Florida for a writ of habeas corpus. This writ was denied without opinion on the ground Durley failed to show probable cause that he was held without lawful authority.

In 1952, with the aid of court-appointed counsel Durley

[25] 196 U.S. 78, 83 (1904).
[26] 351 U.S. 277, *reh. denied,* 352 U.S. 859 (1956).

filed a petition for writ of habeas corpus in a Florida Circuit Court. The writ issued, a return was filed, argument was heard, and the writ was quashed. Durley then appealed to the Supreme Court of Florida. His appeal was dismissed without opinion.

In 1955, acting *pro se,* Durley filed yet another petition for writ of habeas corpus with the Supreme Court of Florida. He alleged, among other things, abuse of the Due Process Clause of the 14th Amendment and that his consecutive sentences violated the Federal and State Constitutions and a recent decision of the Supreme Court of Florida. The petition was denied, without opinion, on the ground petitioner failed to show probable cause that he was held unlawfully.

This Court then granted Durley's petition for writ of certiorari. In response to the petition for writ of certiorari, Florida argued the decision of its highest court may have rested upon one or both of two adequate state grounds. Both grounds were set out for the Court.

The Court said that in order to establish its jurisdiction petitioner had to demonstrate that neither of the state grounds could account for the decision of the Supreme Court of Florida. Then, quoting from *Stembridge* v. *Georgia,* 343 U.S. 41, 547 (1952) the *Durley* Court noted:

> When the highest court of the state delivers no opinion and it appears that the judgment might have rested upon a nonfederal ground, this Court will not take jurisdiction to review the judgment.[27]

This same principle directly applies in the present case. The Supreme Court of Virginia ruled without giving an opinion. Yet, its Order does recite an adequate state ground: Golding's election was a nullity. Thus, there was

[27] 351 U.S. at 281.

no office to deprive him of but merely a requirement to advise him that he held no office. This ground is based solely upon an interpretation of the Virginia Constitution and Virginia statutory provisions. It has nothing to do with any federal questions. Further, Golding has not demonstrated that an adequate state ground *could not* account for the decision of the Supreme Court of Virginia. According to *Durley* this is a burden placed upon the petitioner.

Finally, the review sought by Golding should not be granted because of the frivolous nature of the claims he asserts. The Supreme Court will not entertain such frivolous claims. *Seaboard Air Line* v. *Padgett*,[28] addresses this point. *Padgett* involved the Employer's Liability Act, a federal statute. The Court said its jurisdiction to review state supreme court judgments in cases involving the Act was limited to questions federal in character which in their essence involve the existence of a right to recover under the federal statute. But even the federal questions had to be more than mere questions of form.

> The existence of jurisdiction to review under the principles just stated depends not merely upon form but upon substance; that is, in this class of cases as in others the general rule controls that *power to review cannot arise from the mere assertion of a formal right when such asserted right is so wanting in foundation and unsubstantial as to be devoid of all merit and frivolous.*[29]

This is the true posture of Golding's petition and, as such, it should be denied.

[28] 236 U.S. 668 (1915).
[29] *Id.*, at 671.

V.
CONCLUSION

Golding has had his day in court. He was assisted by counsel, presented his evidence, and heard his case argued to the highest court in Virginia. His arguments have been fully aired. The Supreme Court of Virginia issued its order based on its view of the law of Virginia. The case was fairly and properly decided.

There is no conflict or tension between the law of Virginia and the Constitution and laws of the United States as those laws bear upon the question of Golding's qualification to hold office in Virginia.

Golding has decided to try his own hand at securing another forum in which to argue his case. But, there are no constitutional issues here. There are no federal questions here. There are no special and important reasons for the Court to hear this case. The only thing that is here is an attempt to get this Court to overrule the Supreme Court of Virginia's interpretation and construction of the laws of Virginia. Such is not the purpose of the writ of certiorari.

For all the foregoing reasons Golding's petition should be denied.

Respectfully submitted,

THE CITY COUNCIL OF THE CITY OF RICHMOND, VIRGINIA

AND

THE MAYOR OF THE CITY OF RICHMOND, HENRY L. MARSH, III

By JOSEPH M. SPIVEY, III
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March 19, 1979

CERTIFICATE OF SERVICE

I certify that three copies of the foregoing Brief In Opposition to Petition for Writ of Certiorari were mailed to William Irvin Golding, Sr., 2246 Bywood Lane, Richmond, Virginia 23224 this 19th day of March, 1979.

JOSEPH M. SPIVEY, III

APPENDIX

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Wednesday the 22nd day of November, 1978.

RECORD NO. 781557

THE CITY COUNCIL OF THE
CITY OF RICHMOND, ET AL.,

Petitioners,

AGAINST

WILLIAM I. GOLDING, SR., ET AL.,

Respondents.

Upon a Petition for a Writ of Mandamus

This day came the parties, by counsel, upon the application for a writ of mandamus filed by petitioners The City Council of the City of Richmond and The Mayor of The City of Richmond, Henry L. Marsh, III, in his official capacity and at the direction of the City Council of the City of Richmond; upon the special plea to the jurisdiction, motion to dismiss and grounds of defense of respondent William I. Golding, Sr.; upon the motion to dismiss and grounds of defense of respondent E. A. Duffy, Clerk of the City of Richmond; and upon the argument of counsel.

Upon consideration whereof, the court overrules the aforesaid special plea to the jurisdiction and denies the respective motions to dismiss.

Upon further consideration whereof, the court is of opinion that at the time of the May 2, 1978 councilmanic election for the office of city councilman for the Ninth Election District of the City of Richmond, the said respondent William I. Golding, Sr., was ineligible for and disqualified from seeking or holding the office of city councilman

because of his prior convictions of certain felonies. Accordingly, the court holds that the election of the respondent William I. Golding, Sr., as a member of the Council of the City of Richmond was a nullity and that a vacancy exists in the office of councilman for the said Ninth Election District.

It is therefore ordered that the writ of mandamus do forthwith issue directed to the said respondents requiring and commanding: (1) that respondent Duffy delete respondent Golding's name from the rolls as a member of City Council and delete respondent Golding's name from the City payroll; and (2) that respondent Golding relinquish forthwith any claims to the office of member of City Council for the said Ninth Election District, relinquish all muniments of the office, and desist immediately from further exercise of the functions, powers, and responsibilities of that office.

The court further orders that, under Section 3.04 of the Charter of the City of Richmond, the said City Council shall have thirty days from the date of this order within which to fill the existing vacancy.

A Copy,
Teste:
/s/ ALLEN L. LUCY, *Clerk*

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Friday the 3rd day of November, 1978.

RECORD No. 781557

THE CITY COUNCIL OF THE
CITY OF RICHMOND, ET AL.,

Petitioners,

AGAINST

WILLIAM I. GOLDING, SR., ET AL.,

Respondents.

Upon a Petition for a Writ of Mandamus

Upon consideration of the petitioners' motion to expedite and the respondent Golding's response thereto, it is ordered that the respondents file their responsive pleadings and submit any evidence they deem necessary on or before November 10, 1978, and that the petitioners file their reply and submit any rebuttal evidence they deem necessary on or before November 14, 1978. Whereupon, the matter shall stand matured for disposition by this court at its session commencing November 20, 1978.

A Copy,
Teste:
ALLEN L. LUCY, *Clerk*

By: /s/ DAVID B. BEACH
Deputy Clerk

VIRGINIA:

In the Circuit Court of the City of Richmond, Division 11, the 20th day of June, 1955.

Commonwealth of Virginia, plaintiff,

against Order

William Irvin Golding (w), defendant,

William Irvin Golding (w), who, on the 23rd day of February, 1955, was found guilty of a felony, to-wit: Larceny, but against whom sentence was taken under advisement pending a report of the Probation and Parole Officer of this District, was this day led to the bar in the custody of the City Sergeant.

Whereupon, George Reilley, counsel for the said defendant, again appeared on behalf of the said William Irvin Golding.

Thereupon, the Court advised the defendant and his counsel that a pre-sentence report had been received from the Probation and Parole Officer of this District, and that said Probation and Parole Officer, George C. McGee, making the report was available and could be subjected to cross-examination if the defendant so desired.

Thereupon, the defendant stated in open Court that he did not desire to cross-examine the said Probation Officer and was waiving any right that he may have to so do.

And the Court, having fully considered the report of the Probation and Parole Officer of this District, which is now ordered filed and made a part of the record herein, and being advised of its judgment, doth fix the punishment of the said defendant at twelve (12) months in jail and a fine of Ten Dollars ($10.00), but for reasons appearing proper to the Court, the last six (6) months of said jail sentence is

suspended on condition that he keep the peace and be of good behavior toward all citizens of this Commonwealth.

It is ordered that the said William Irvin Golding do pay and satisfy said fine of $10.00 and all costs incident to this proceeding.

It is further ordered that the said defendant be transferred to the State Convict Road Force or the State for Defective Misdemeanants to work out the term of imprisonment and the fine and costs or the unpaid portion thereof under the terms and conditions provided by Sections 53-105 and 53-221 of the Code of Virginia.

Whereupon, said defendant was remanded to jail.

A Copy,
Teste: IVA R. PURDY, *Clerk*.

COMMONWEALTH
vs.
WILLIAM IRVIN GOLDING

Upon indictment for felony. Breaking and Entering and Larceny

The said defendant having been tried in this Court on the 25th day of February, 1955, at which time he was found guilty of Breaking and Entering and Larceny, but the matter was referred to the Probation and Parole Officer of this district for his investigation and pre-sentence report; this day came the Probation and Parole Officer and presented his report to the Court, and came also the defendant accompanied by his counsel, George W. Reilly, and the Court, after having read the report of the said Probation and Parole Officer and having maturely considered of its judgment, doth sentence the said William Irvin Golding to serve eighteen (18) months in the Virginia State Penitentiary. And the Court having asked the accused if he had any

reason to offer why the Court should not proceed to pass judgment on him, and nothing being offered or alleged in delay of judgment, it is considered by the Court that the said William Irvin Golding be confined in the Penitentiary of this Commonwealth for the term of eighteen (18) months, the period by the Court ascertained as aforesaid, but the Court doth suspend one (1) year of said sentence upon condition that the defendant pay the cost of court, said cost amounting to $21.76, keep the peace and be of good behavior for a period of five (5) years.

And it is ordered that as soon as possible after entry of this order the said William Irvin Golding be removed and safely conveyed according to law to the said Penitentiary, therein to be kept, confined and treated in the manner directed by law.

The Court certifies that the said William Irvin Golding had the advice of and was represented by able counsel and that at all times during the trial of this case the accused was present.

The Court certifies that the said William Irvin Golding was taken into custody on January 1, 1955 to answer said felony.

And the said William Irvin Golding is remanded to jail.

VIRGINIA:

IN THE
CIRCUIT COURT OF THE COUNTY OF HENRICO

April 18, 1955

COMMONWEALTH
vs.
WILLIAM IRVIN GOLDING

#39

William Irvin Golding, who stands indicted of a felony by him committed in unlawfully and feloniously take and drive a motor vehicle Plymouth Motor No. P-13-556897 being the property of L. P. Sheldon without his consent was this day led to the bar in the custody of the Jailer of this court, thereof arraigned, and upon his arraignment in person, pleaded guilty to said indictment after being advised by George Reilly, his counsel.

Thereupon, the Court proceeded to try the case, and having heard the evidence, doth find the said William Irving Golding guilty as charged in the indictment. Counsel for defendant made a motion for a presentence report which motion was granted by the court.

Thereupon he was remanded to jail.

A Copy
Teste: MARGARET B. BAKER, *Clerk*

VIRGINIA:

IN THE
CIRCUIT COURT OF THE COUNTY OF HENRICO

April 18, 1955

COMMONWEALTH
vs.
WILLIAM IRVIN GOLDING

40

William Irvin Golding, who stands indicted of a felony by him committed in unlawfully and feloniously take and drive a motor vehicle Pontiac motor # W8RS-47C7 being the property of R. G. Page without his consent was this day led to the bar in the custody of the Jailer of this court, thereof arraigned, and upon his arraignment in person, pleaded guilty to said undictment after being advised by George Reilly, his counsel.

Thereupon, the Court proceeded to try the case, and having heard the evidence, doth find the said William Irvin Golding, guilty as charged in the indictment counsel for defendant made a motion for a presentence report which motion was granted by the Court. Thereupon he was remanded to jail.

A Copy,
Teste. MARGARET B. BAKER, *Clerk*

VIRGINIA:

IN THE
CIRCUIT COURT OF THE COUNTY OF HENRICO

April 18, 1955

COMMONWEALTH
vs.
WILLIAM IRVIN GOLDING

41

William Irvin Golding, who stands indicted of a felony by him committed in unlawfully, feloniously and burglariously breaking and entering in the night time a certain restaurant of John A. Berry t/a Glenwood Farms Grill with intent to commit larceny was this day led to the bar in the custody of the jailer of this court, thereof arraigned and upon his arraignment in person, pleaded guilty to said indictment after being advised by George Reilly, his counsel.

Thereupon, the Court proceeded to try the case, and having heard the evidence, doth find the said William Irvin Golding guilty as charged in the indictment counsel for defendant made a motion for a presentence report which motion was granted by the court. Thereupon he was remanded to jail.

A Copy
Teste: MARGARET B. BAKER, *Clerk*

VIRGINIA:

IN THE
CIRCUIT COURT OF THE COUNTY OF HENRICO

April 18, 1955

COMMONWEALTH
vs.
WILLIAM IRVIN GOLDING

42

William Irvin Golding, who stands indicted of a felony by him committed in unlawfully feloniously, and buglariously breaking and entering in the night time a certain service station, not adjoining or being occupied as a dwelling house and committing larceny therein was this day led to the bar in the custody of the jailer of this court, thereof arraigned, and upon his arraignment in person, pleaded guilty to said indictment after being advised by George Reilly, his counsel.

Thereupon, the Court proceeded to try the case, and having heard the evidence, doth find the said William Irvin Golding, guilty as charged in the indictment. Counsel for defendant made a motion for a presentence report which was granted by the Court. Thereupon he was remanded to jail.

A Copy
Teste: MARGARET B. BAKER, *Clerk*

VIRGINIA:

IN THE
CIRCUIT COURT OF THE COUNTY OF HENRICO

COMMONWEALTH
vs.
WILLIAM IRVIN GOLDING

April 18, 1955

43

William Irvin Golding, who stands indicted of a felony by him committed in unlawfully feloniously, and buglariously breaking and entering in night time a certain storehouse of Colonial Stores, not adjoining or being used as a dwelling house and committing larceny therein was this day led to the bar in the custody of the jailer of this court, thereof arraigned, and upon his arraignment in person, pleaded guilty to said indictment after being advised by George Reilly, his counsel.

Thereupon, the Court proceeded to try the case, and having heard the evidence, doth find the said William Irvin Golding, guilty as charged in the indictment. Counsel for defendant made a motion for a presentence report which was granted by the Court. Thereupon he was remanded to jail.

A Copy
Teste: MARGARET B. BAKER, *Clerk*

October 23, 1978

MRS. ALICE CLARKE LYNCH
General Registrar for the
City of Richmond
900 East Broad Street
Richmond, Virginia 23219

Dear Mrs. Lynch:

In response to your letter of October 23, 1978, we have checked and doubled checked our records and find no indication that William I. Golding, Sr., has ever had his political disabilities removed.

To be on the safe side, I would suggest that before any action is taken, Mr. Golding be asked whether or not he has ever applied for or received such relief.

With kind personal regards, I am

Sincerely,

/s/ RICK GRAY

FREDERICK T. GRAY, JR.

October 23, 1978

MR. WILLIAM I. GOLDING, SR.
2246 Bywood Lane
Richmond, Virginia 23224

Dear Mr. Golding:

It has come to my attention that you have been convicted of a felony. I regret to inform you that pursuant to section 24.1-46 (12) of the Virginia Election Laws, I must remove your name from the list of qualified voters.

Article II, Paragraph 1 of the Virginia Constitution states

that no one convicted of a felony may be a qualified voter until his voting rights are restored.

If you wish to have your rights restored, you may contact the office of the Secretary of the Commonwealth, or telephone 786-2441, or call at the Ninth Street Office Building for information in regards to this matter.

Very truly yours,

/s/ ALICE CLARKE LYNCH

ALICE CLARKE LYNCH
General Registrar